

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAMICHAEL J. HICKS,
Petitioner,

v.

BOARD OF PAROLE HEARINGS,
Respondent.

Case No. 22-06060 NC (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner at California State Prison, Sacramento, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See* Dkt. No. 1 (“Petition”). Petitioner challenges his parole determination. *See id.* at 9 (arguing that Petitioner should have been given “elder parole consideration” in his August 2021 parole hearing).

Venue for a habeas action is proper in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). But if the petition challenges the manner in which a sentence is being executed, as Petitioner’s does, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(b)(2) (stating that a petition should be heard in the district of confinement if it challenges the manner in which the sentence is carried out); *see also Tucker v. Carlson*, 925 F.2d 330, 331 (9th Cir. 1991) (stating that a

1 challenge to a parole decision “challenges the manner in which his sentence was
2 executed”).

3 Here, Petitioner is housed, and the challenged parole decision was made, in
4 Sacramento County. *See* Pet. at 1. Sacramento County lies within the Eastern District of
5 California, and so venue is proper in the Eastern District of California.

6 Accordingly, this case is **TRANSFERRED** to the United States District Court for
7 the Eastern District of California. *See* 28 U.S.C. § 1406(a). The Clerk shall terminate all
8 pending motions and transfer the entire file to the Eastern District of California.

9 **IT IS SO ORDERED.**

10 DATED: October 21, 2022


NATHANAEL M. COUSINS
United States Magistrate Judge

United States District Court
Northern District of California